



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,818	12/24/2003	Richard Arthur Parent	P183 0018	1153

720 7590 04/27/2004

OYEN, WIGGS, GREEN & MUTALA  
480 - THE STATION  
601 WEST CORDOVA STREET  
VANCOUVER, BC V6B 1G1  
CANADA

EXAMINER

COTTINGHAM, JOHN R

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/743,818	<b>Applicant(s)</b> PARENT, RICHARD ARTHUR	
	<b>Examiner</b> John R. Cottingham	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/24/2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Michaluk U.S. Patent 5,961,243. Michaluk shows all of the claimed subject matter of a device in Figures 1-10.

Regarding claim 1, a device 10 (in fig. 1) for removably securing an implement to a hitch receiver comprising: (a) an elongated frame (the whole frame) which removably fits within the tube type shank of a hitch receiver compatible implement having a square or rectangular cross-section, the elongated frame having a longitudinal axis; (b) a first nut 111 secured to a first side of the frame 12, and positioned to fit within the implement tube and oriented in a direction substantially perpendicular to the longitudinal axis, for securing in combination with a first bolt 109 a first side of the implement and the frame with a first side of the hitch receiver, and (c) a second nut 106 secured to a second separate side of the frame and positioned to fit within the implement tube and oriented in a direction substantially perpendicular to the longitudinal axis, for securing in combination with a second bolt 102 a second side of the implement and the frame with

Art Unit: 3679

a second side of the hitch receiver, said first and second sides of the frame and the implement and the first and second nut and bolt combinations being opposite to and aligned with one another.

Regarding claim 2, a device as claimed in claim 1 wherein an end of the frame is rounded (tops of 54) to assist insertion of the frame into the implement.

Regarding claim 3, wherein the frame is shaped as a double U-shaped frame with first and second arms which at a first central location bend in a U-shape along a first plane, and the first and second arms 12 of the frame at a pair of complementary second locations on the frame, bend in a pair of U-shapes in parallel along a second plane perpendicular to the first plane. (either side of the frame forms a U-shape, and the vertical members correspond to the first and second arms)

Regarding claim 4, a device 10 for removably securing opposite walls of an implement tube to adjacent opposite walls of a hitch receiver tube comprising: (a) an elongated frame which fits within the tube of a hitch compatible implement, the elongated frame having a longitudinal axis; (b) a first securing member 16 comprising a first nut 111 and bolt 109 combination, the first nut 111 being secured to a first side of the frame, and oriented in a direction substantially perpendicular to the longitudinal axis, said first nut 111 and bolt 109 combination cinching only a first side of the frame and the implement tube with a first adjacent wall of a hitch receiver tube; and (c) a second securing member 16 comprising a second nut and bolt combination, the second nut being secured to a second side of the frame, separate from the first securing member and in opposing alignment therewith, said second nut 106 and bolt 102 combination

cinching only a second side of the frame and the implement tube with a second separate adjacent wall of the hitch receiver tube opposite to the first wall.

Regarding claim 5, wherein the frame is shaped as a double U-shaped frame with first and second arms which at a first central location bend in a U-shape along a first plane, and the first and second arms 12 and 16 of the frame at a pair of complementary second locations on the frame bend in a pair of U-shapes in parallel along a second plane perpendicular to the first plane. (the frame forms a U-shape and the arms are the vertical members 12 and 16.

Regarding claim 7, including lock washers 108 to secure the first nut with the first bolt and the second nut with the second bolt.

Regarding claim 8, including lock washers 108 to secure the first nut with the first bolt and the second nut with the second bolt.

***Allowable Subject Matter***

3. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: the combination of the positively claimed hitch receiver tube and the securing member exerting a compression force between the first side of the implement tube and the first adjacent wall of the hitch receiver tube is not shown in the prior art either by themselves or in combination.


***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Williams U.S. Patent 6,409,203 and Kassai U.S. Patent 4,587,864 show similar inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Cottingham whose telephone number is (703) 306-3439. The examiner can normally be reached on Monday - Thursday, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John R. Cottingham  
Primary Examiner  
Art Unit 3679

Application/Control Number: 10/743,818  
Art Unit: 3679

Page 6

jrc